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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,256	04/19/2004	Joachim Morgenstern	Q80666	9400

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WASHINGTON, DC 20037

EXAMINER
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LEE, MARINA

ART UNIT	PAPER NUMBER
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2192

MAIL DATE	DELIVERY MODE
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12/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/826,256

Applicant(s)

MORGENSTERN, JOACHIM

Examiner

Marina Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on September 29, 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to Amendments dated September 27, 2007. Claims 1-4 are presented for examination.
2. Applicants' arguments for the claims have been fully considered but they are not persuasive, as will be also addressed under Prior Art's Arguments – rejections section at item (3) below. Thus, the rejection of the claims over prior art in the previous Office Action is maintained in light of the necessitated additional clarification provides hereon and accordingly, **THIS ACTION IS MADE FINAL**. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Prior Art's Arguments – Rejections***

3. Applicant's arguments filed September 27, 2007 have been fully considered but they are not persuasive.

Applicant contends that Szewerenko does not disclose the claimed limitation "identifier" (Remarks, pages 2-4). However, Szewerenko discloses, "During allocation

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phase of allocation module 316... linker allocation decision module 422 allocates sections 400 and 405 of ingredients 420 (modules) to specific address (identifier : emphasis added) in the target computer hardware memory... it is further to note that before linking the branch target (e.g., label A) of the modules does not know the address (identifier) yet, but after linking the branch target contains address e.g., 2020 which assigned by the allocation module 316 using table block 423 inside the linker 110, which is equivalent to link server 508, Fig. 5A(emphasis added)" (see Szewerenko, at least col. 3: 5-35).

Further more, the remaining claims directly or indirectly depends upon the independent claims, (See page 4, of the amendment and response) are also fall together as Applicants relied upon rebuttal for the independent claims but fail to be found persuasive as noted above.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 are rejected under 35U.S.C. 102(e) as being anticipated by Szewerenko et al., (hereinafter "Szewerenko") (U.S. Patent No. 6,883,167 B1).

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As to claim 1, Szewerenko discloses a method for creating a data processing program (e.g., software development system 500, Fig. 5A see column 7, lines 5-8), comprising:

storing a plurality of modules (e.g., 108, 116, 503 Ingredient object files and library of Fig. 5A see column 1, lines 47-50 and lines 58-60; also see column 7, lines 12; also see ingredient object files 300, 302, and 304 of Fig. 3 column 2, lines 45-49), in a memory unit; and

selecting and interlinking (e.g., visual linker 501 of Fig. 5A or linker server 110, Fig. 4, see at least column 7, lines 8-17 and associate text) a subset of the plurality of modules (e.g., object files and library within ingredients 503 or object file section 1 and section 2 of ingredients 420, see at least col. 3: 5-19 and col. 7: 11-13), as required by a specific task (user or client program instruct visual linker 501 to perform various action e.g., allocation memory see column 8, lines 44-46);

wherein, for interlinking the selected modules, a respective identifier (e.g., object file address in the target memory) is assigned to each of the selected modules via a centrally predefined allocation table (e.g., table block 423 inside the liker 110, see at least col. 3: 20-35); and

wherein the respective identifier specifies a subsequent one of the modules (e.g., branch target of section 1 or 2) that is to be called after a respective, one of the modules that is assigned to the respective identifier is executed ((e.g., label A) of the modules (object file) does not known the address (identifier) yet, but after linking the branch target contains address e.g., 2020 which assigned by the allocation module 316

using table block 423 inside the linker 110, which is equivalent to link server 508, Fig.

5A(emphasis added)” (see Szewerenko, at least col. 3: 5-35 and col. 9: 13-17)).

As to claim 2, Szewerenko further discloses wherein the data processing program comprises at least one of an input/output module (e.g., client program 502 and GUI 506 of Fig. 5A see column 9, lines 5-9) and a module for man-machine communication (e.g., user may control the visual linker 501 via GUI 506, of Fig. 5A see at least col. 7: 8-10 & 19-24 and col. 9: 23-30).

As to claim 3, Szewerenko also discloses, wherein the allocation table comprises a plurality of parameter characteristics (e.g., status of linking operation contains in link server 508 of Fig. 5A see column 9, lines 10-17) by which parameters are identified (e.g., client server 502 of Fig. 5A users the information (parameters: emphasis added) from the link server 508 to determine an address assigned (identified) to a section or symbol by line server 508 of Fig. 5A see at least, col.9, lines 14-30) that are transferred to the subsequent one of the modules for calling the subsequent one of the modules.

As to claim 4, Szewerenko discloses a method for creating a data processing program (e.g., software development system 500, Fig. 5A see column 7, lines 5-8), comprising:

selecting (e.g., visual linker 501 of Fig. 5A see detail column 7, lines 8-17 ) a plurality of modules (e.g., 108, 116, 503 Ingredient object files and library of Fig. 5A see column 1, lines 47-50 and lines 58-60; also see column 7, lines 12; also see ingredient object files 300, 302, and 304 of Fig. 3 column 2, lines 45-49) stored in a memory unit in

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accordance with a specific task (user or client program instruct visual linker 501 to perform various action e.g., allocation memory see column 8, lines 44-46); and interlinking (e.g., visual linker 501 of Fig. 5A see detail column 7, lines 8-17) the plurality of modules (e.g., 108, 116, 503 Ingredient object files and library of Fig. 5A see column 1, lines 47-50 and lines 58-60; also see column 7, lines 12; also see ingredient object files 300, 302, and 304 of Fig. 3 column 2, lines 45-49), including assigning each of the selected modules a respective identifier via a centrally predefined allocation table, wherein a given one of the respective identifiers specifies a module called subsequent to the respective module to which the given identifier is assigned (e.g., client server 502 of Fig. 5A uses the information from the link server 508 to determine an address assigned (identified) to a section or symbol by line server 508 of Fig. 5A see column 9, lines 14-17).

### ***Conclusion***

6. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure.

McKeeman et al., (US 5,325,531) is cited to teach compiler using clean lines table with entries indicating unchanged text lines for incrementally compiling only changed source text lines.

Evans (US 5,179,703) is cited to teach dynamically adaptive environment for computer programs.

Schwartz et al., (US 7,003,284 B2) is cited to teach method and architecture for interactive two-way communication devices to interact with a network.


Pickett (US 5,854,936) is cited to teach code server operates in a data processing system having an operating system or environment, such as OS/2 or Windows, which processes coded programs in discrete code modules.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Lee whose telephone number is (571) 270-1648. The examiner can normally be reached on M-F (9am-6: 30pm) EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.L.

December 7, 2007



TUAN DAM  
SUPERVISORY PATENT EXAMINER